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**JUN 08 2006**

**OFFICE OF PETITIONS**

In re Patent No. 6,906,185	:
Fuller et al.	: LETTER REGARDING PTA
Issue Date : June 14, 2005	: and
Application No. 09/045,732	: NOTICE OF INTENT TO ISSUE
Filed: March 20, 1998	: CERTIFICATE OF CORRECTION
Atty. Dkt. No.: 233/127	:

This letter is in response to the "REQUEST FOR CERTIFICATE OF CORRECTION FOR PTO MISTAKE PURSUANT TO 37 C.F.R. § 1.322(a)" filed September 26, 2005. This paper is treated pursuant to comment 43 of the final rule and patentees' duty of good faith and candor to the Office. Patentees disclose that the patent should have issued with a revised patent term adjustment of zero (0) days (not three hundred seventeen (317) days).

The request for correction of the patent term adjustment (PTA) indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of zero **(0)** days.

On June 14, 2005, the application matured into U.S. Patent No. 6,906,185, with a revised patent term adjustment of 317 days. Patentees state no basis for their assertion that the correct patent term adjustment is 0 days.

Nonetheless, a review of the record reveals a basis for correction of the patent term adjustment. The application became abandoned on March 13, 2003 for failure to file an appeal brief within two months of the filing of a Notice of Appeal. A

petition to revive was filed on January 26, 2004, and was granted in a decision mailed on February 19, 2004.

37 C.F.R. § 1.704(c)(3) states:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(3) Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of:

(i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or

(ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed;

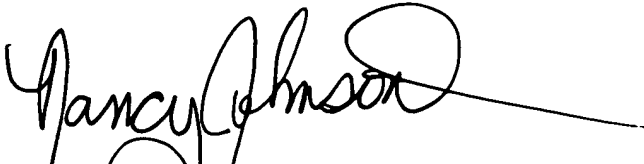
Therefore, Applicants should have been assessed delay for the period from March 13, 2003 (the date the application became abandoned) to February 19, 2004 (the date the decision reviving the application was mailed), or 344 days.

In view thereof, the patent should have issued with a revised patent term adjustment of zero (0) days.

As the instant letter was submitted to advise the Office of an error in Patentees' favor, the \$200.00 application fee under 37 C.F.R. § 1.705(d) was not required, and has not been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by ZERO (0) days.

Telephone inquiries specific to this letter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Attachment: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 6,906,185 B1

DATED : June 14, 2005

INVENTOR(S) : Fuller et al.

*DRAFT*

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (317) days

Delete the phrase "by 317" and insert – by 0 days--